

in view of Simon, Harmony, and Schuster (U.S. Pat. No. 4,681,225); and claim 8 over Moriya *et al.*, in view of Simon, Harmony, Schuster, and in further view of Dhority *et al.* (U.S. Pat. No. 5,236,088).

Moriya *et al.* has an effective date of publication date of May 23, 2000, which is after the filing date of the present application (February 24, 2000) and well after the Japanese priority date of the present application (February 24, 1999). Therefore, Moriya *et al.* is not citable against the present application. Therefore, the applicants submit that the examiner has failed to make a *prima facie* case of obviousness.

Notwithstanding the foregoing, the applicants submit that the remaining secondary documents, either alone or in combination, fail to render the presently claimed invention obvious. Specifically, none of the secondary documents, either alone or in combination teach or suggest all of the claim limitations as required by the applicants' claimed invention as defined by independent claims 2 and 3. For example, Simon does not pack glass base material and Harmony does not use packing material containing air. With respect to Schuster, the cylindrical cover packs a wine bottle and wine glasses that do not have a cylindrical shape over their entire lengths. Finally, Dhority *et al.* describe a kit for handling and shipping explanted orthopedic implants and/or tissue samples (see column 1, lines 7 to 10) and does not describe any of the limitations noted above.

II. CONCLUSION

In view of the foregoing, the claims are now believed to be in form for allowance, and such action is hereby solicited. If any point remains in issue that the examiner feels may be best resolved through a personal or telephone interview, the examiner is strongly urged to contact the undersigned at the telephone number indicated below.

Respectfully submitted,

PILLSBURY WINTHROP LLP

By: 

Thomas A. Cawley, Jr., Ph.D.
Registration No.: 40,944
Direct PH.: 703-905-2144
Direct FX: 703-738-2123

TAC\GP

1600 Tysons Boulevard
McLean, VA 22102

Telephone: 703-905-2000
Facsimile: 703-905-2500